

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOHN TEETER

Plaintiff

v.

STATE FARM LLOYDS

Defendant

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§

CASE NO 5:16-cv-00909

DEFENDANT STATE FARM LLOYDS' NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

STATE FARM LLOYDS files this Notice of Removal Pursuant to 28 U.S.C. § 1446(a) and respectfully shows the Court the following:

Procedural Background

1. On August 2, 2016, Plaintiff filed his Original Petition in the matter entitled John Teeter v. State Farm Lloyds, Cause No. 2016-CI-12861, in the 225 Judicial District Court, Bexar County, Texas (the "State Court Action").

2. Defendant State Farm Lloyds was served with process on August 15, 2016.

3. Defendant State Farm Lloyds files this Notice of Removal pursuant to 28 U.S.C. § 1446 to remove the State Court Action from the 225th Judicial District of Bexar County, Texas to the United States District Court for the Western District of Texas, San Antonio Division.

4. Plaintiff's Original Petition filed in the State Court Action included a jury demand.

Nature of Suit

5. This lawsuit involves a dispute over the alleged non-payment of insurance benefits to Plaintiff and the handling of Plaintiff's claim for property damage allegedly arising

out of a storm that occurred on April 12, 2016. Plaintiff seeks benefits from a homeowner's insurance policy covering his home located at 223 Woodcrest Drive in San Antonio, Texas. Plaintiff asserts causes of action against State Farm Lloyds for breach of contract, violations of the Texas Insurance Code, and common law bad faith. Plaintiff also seeks to recover statutory penalties, exemplary damages, and attorney's fees.

Basis for Removal

6. The Court has jurisdiction over this action under 28 U.S.C. § 1332 because there is and was complete diversity between all real parties in interest (Plaintiff and State Farm Lloyds) and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. At the time this action was commenced, Plaintiff John Teeter was, and still is, a resident and citizen of Texas residing in Bexar County.

8. Defendant State Farm Lloyds was at the time this action was commenced, and still is, a citizen of Illinois. State Farm Lloyds is a "Lloyd's Plan" organized under chapter 941 of the Texas Insurance Code. It consists of an unincorporated association of underwriters who were at the time this action was commenced, and still are, all citizens and residents of Illinois, thereby making State Farm Lloyds a citizen of Illinois for diversity purposes. *See Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882-83 (5th Cir. 1993) (citizenship of unincorporated association determined by citizenship of members).

9. In his original petition, Plaintiff states he seeks monetary relief of over \$100,000.00 but not more than \$200,000.00. As shown by the Petition, the amount in controversy requirement is satisfied.

Removal is Procedurally Correct

10. This Notice of Removal is filed within thirty (30) days of the service of Plaintiff's Original Petition as required by 28 U.S.C. § 1446(b).

11. Venue is proper in this district under 28 U.S.C. § 1446(a) because this district and division embrace the place in which the removed action is pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this district and division.

12. Pursuant to 28 U.S.C. § 1446(a), all Pleadings, process, and Orders in the State Court Action are attached to this Notice.

13. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to the Plaintiff promptly after Defendant State Farm Lloyds files this Notice.

14. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the District Clerk, Bexar County, Texas promptly after Defendant State Farm Lloyds files this Notice.

Prayer

Defendant prays that the State Court Action be removed and placed on this Court's docket for further proceedings and for such other and further relief to which Defendant may be justly entitled, whether at law or in equity.

Respectfully submitted,

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/s/ Jennifer Gibbins Durbin

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**ATTORNEYS FOR DEFENDANT
STATE FARM LLOYDS**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing ***Defendant State Farm Lloyds' Notice of Removal*** was electronically filed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following on this 12th day of September, 2016:

Mr. Robert A. Pollom
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San Antonio, Texas 78232
Attorney for Plaintiff
John Teeter

/s/ Jennifer Gibbins Durbin

JENNIFER GIBBINS DURBIN
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